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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

## IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**MASTER SHORT FORM  
COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

## **FIRST AMENDED SHORT FORM COMPLAINT**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

## 1 Plaintiff/Deceased Party

## Philip Pero deceased

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Not Applicable

- 1       3. Other Plaintiff and capacity (i.e., administrator, executor, guardian  
2                    conservator):

3                   Barbara J. Pero, as Proposed Personal Representative of the Estate of  
4                   Philip Pero, Deceased.

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- 6       4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of  
7                    residence at the time of implant:

8                   New York

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- 10      5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of  
11                    residence at the time of injury:

12                   New York

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- 13      6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

15                   New York

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- 16      7. District Court and Division in which venue would be proper absent direct  
17                    filing:

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- 19      8. Defendants (check Defendants against whom Complaint is made):

21                    C. R. Bard Inc.

22                    Bard Peripheral Vascular, Inc.

- 23      9. Basis of Jurisdiction:

25                    Diversity of Citizenship

26                    Other: \_\_\_\_\_

27                   a. Other allegations of jurisdiction and venue not expressed in

## Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cave Filter
  - G2® Vena Cava Filter
  - G2® Express Vena Cava Filter
  - G2® X Vena Cava Filter
  - Eclipse® Vena Cava Filter
  - Meridian® Vena Cava Filter
  - Denali® Vena Cava Filter

Other: \_\_\_\_\_

June 13, 2009.

**12. Counts in the Master Complaint brought by Plaintiff(s):**

- Count I: Strict Products Liability – Manufacturing Defect
  - Count II: Strict Products Liability – Information Defect  
(Failure to Warn)
  - Count III: Strict Products Liability – Design Defect

- Count IV: Negligence – Design
  - Count V: Negligence – Manufacture
  - Count VI: Negligence – Failure to Recall/Retrofit
  - Count VII: Negligence – Failure to Warn
  - Count VIII: Negligent Misrepresentation
  - Count IX: Negligence *Per Se*
  - Count X: Breach of Express Warranty
  - Count XI: Breach of Implied Warranty
  - Count XII: Fraudulent Misrepresentation
  - Count XIII: Fraudulent Concealment
  - Count XIV: Violations of Applicable New York  
Law Prohibiting Consumer Fraud and Unfair and  
Deceptive Trade Practices
  - Count XV: Loss of Consortium
  - Count XVI: Wrongful Death
  - Count XVII: Survival
  - Punitive Damages
  - Other(s): \_\_\_\_\_ (please state the facts  
supporting this Count in the space immediately below)

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4 13. Jury Trial demanded for all issues so triable?

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Yes

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No

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8 RESPECTFULLY SUBMITTED this 17 day of October, 2018.

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LAW OFFICE OF  
CHRISTOPHER K. JOHNSTON, LLC

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By: /s/ William Rivera-Alvarez

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/s/ William Rivera-Alvarez